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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,879	08/14/2000	Wolfgang Schmutz		8333

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EXAMINER

WERNER, FRANK E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/600879

Applicant(s)

Wolfgang Schmutz et al

Examiner

F.E. Werner

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Aug. 14, 2000.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 22-42 ~~is/are~~ pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 22-42 ~~is/are~~ rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 8-14-00 will be forwarded to the Draftsperson for approval in due course. ~~is/are~~ objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claim 22, while loading or unloading substrates has been set forth in the preamble, no means to load or unload the substrates has been set forth; further, it is not understood from where the substrates are derived from and where the substrates are delivered to; also, no structural means (walls, floor, etc.) has been set forth to define the box, the installation and to support the lock device, etc.; moreover, it is not understood how the box is structurally received on the lock device, how the adapter device is structurally held on the processing installation, how the lock device is structurally fastened on the adapter device and what the lock device and adapter device are structurally comprised of; lastly, it is not understood how structurally a seal is produced between the adapter device and the installation, no gate or door means has been set forth to seal the opening and no releasable fastening means has been set forth for the lock device. Re claims 23 and 25, improper alternate claiming is present; moreover, re claims 23, 25-29, it is not understood where (and how) structurally the adapter device is structurally supported. Re claims 30 and 42, it is not understood as to what function is provided by the roller track. Re claim 41, the meaning of "a similar drive" (line 4) is not understood and it is not understood how the "similar drive" structurally functions, moreover, "said receiving table" (line 3) lacks antecedent basis. Re claim 42, "the drive mechanism" (line 1) lacks antecedent basis as does "lowering movement-----of said lock door" (line 3).

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2. A new specification is required (including a marked up copy) because of the large number of changes in the preamendment resulting in a specification that is difficult to read (both by the Examiner and at least ultimately the printer). No new matter must be added.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al (,808) in view of Huang et al (,702).

Bonora et al disclose an installation 20, lock device 34 having a hermetic sealable opening via means 28, transport box 38 holding substrates 40 and releasable means 42 for holding the lock device on adapter 27, the adapter being adjustably fastened on the installation by

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unnumbered fastening means (the left-most means in at least fig. 1A) and means 25 (and column 6, lines 19-28). While the fastening means and means 25 appear to orient the adapter device, it would have been obvious to have conventionally oriented the adapter device depending on the desired operating characteristics thereof as taught by Huang et al (74, 76, etc.). Re claims 24-29, it would have been obvious to have substituted the claimed conventional and equivalent adjusting means, if desired.

6. Claims 31-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al (,808) in view of Huang et al (,702) as applied to claims 21-29 above, and further in view of the Japanese Patent (,347).

Note displaceable receiving table 30 (by means of 56) in Bonora et al. It would have been obvious to have included a roller track to facilitate handling as taught by the Japanese Patent (16b, etc.) Re claims 31-38, it would have been obvious to have conventionally formed the roller track (as claimed) depending on the intended use therefor.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this communication should be directed to F. E. Werner at telephone number (703) 308-1140.

Werner/cw  
December 5, 2001

Summary:  
Claims 22-42 are rejected.  
Rejection - SSP 3 mos.

*Frank E. Werner*

12/01  
PRIMARY EXAMINER  
3652